

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ADRIANNA THRASHER-SCUTT,

Plaintiff,

-against-

6:05-CV-792
(LEK/DEP)

MICHAEL J. ASTRUE,¹
Commissioner of Social Security,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 6, 2007, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(d) of the Northern District of New York. Report-Rec. (Dkt. No. 7).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Peebles's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 7) is **APPROVED** and

¹ On February 12, 2007, Michael J. Astrue took office as Social Security Commissioner. As a result, the Court has substituted him as the named defendant in this matter pursuant to Federal Rule of Civil Procedure 25(d)(1). The Clerk is ordered to substitute Commissioner Astrue as the defendant in this case.

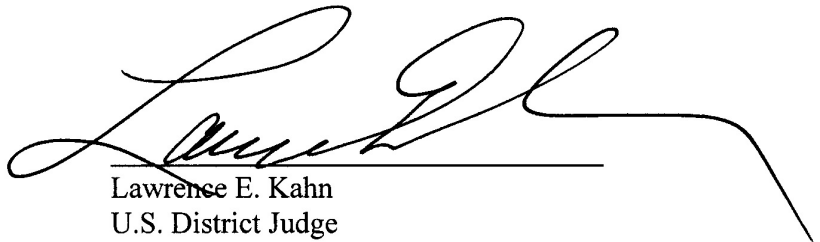
ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Plaintiff's Motion for judgment on the pleadings is **GRANTED** and the Commissioner's determination of no disability is **VACATED**, and the matter is **REMANDED**, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with Judge Peebles's Recommendation; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 26, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge